IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Revision No. 342 of 2001
(Old No. 667 of 1998)

Ahmad Hasan & others …Revisionist/
Applicants

Versus

Om Prakash Saraswat & others …. Opposite Party

Hon'ble B.C. Kandpal, J.

This is a transferred revision from Allahabad High Court. Hence, the notices were sent to the revisionist and as per the report of the process server the notices were served personally.

In spite of the sufficient service of the notice none has appeared for the revisionist before this Court.

Heard Sri Nandan Arya learned A.G.A. and perused the record.

The proceedings were initiated under Section 145 and 146 Cr.P.C. before the court of S.D.M. Kashipur who vide judgment and order dated 30.01.1993 decided that the land in question was in possession of Mahandi Hasan.

Feeling aggrieved by the aforesaid impugned order Sri Om Prakash Saraswat preferred revision before the Sessions Judge, Nainital and learned Additional Sessions Judge vide judgment and order 14.01.1998, allowed the revisions and sent back the matter to the court of Sub Divisional Magistrate for deciding the issue of facts.

Feeling aggrieved by the aforesaid judgment and order passed by the Additional Sessions Judge Ahmad Hasan & others and shall prefer revision before the High Court of Allahabad which has been transferred to this Court after creation of Uttaranchal State, for disposal.

Perusal of the judgment dated 14.01.1998 passed by the Additional Sessions Judge, Nainital, It appears that the judgment in question does not suffer with any illegality or impropriety. I do not find any ground for interference in the impugned judgment passed by the court below by way of this revision.

Accordingly I am of the view that the revision being devoid of merit, is liable to be dismissed.

(B.C. Kandpal, J.)

15.07.2004
ASWAL